

1895-054 Chancery Causes: Margaret Olinger vs. James P. Barron &c
Lee Co.

Slump

CA-Debt
T-Property

-Deed

To the Hon. H. S. K. Morrison
Judge of the Circuit Court of
Lee County Virginia:

Your Oratrix, Margaret Olinger
who Humbly Complaining would
respectfully represent that on
the 30th day of Nov. 1889, James O.
Barron and Wm. S. G. Slump executed
to her their writing obligatory, for
the sum of \$300.00 due and payable
twelve months after the date thereof
And waived the benefit of their
Homestead exemptions as to said
debt. This bond nor no part
thereof has ever been paid to
your Oratrix, but the same is
wholly due her.

This bond was executed to her
for her interest in the estate of
your Oratrix and her husband Harry
G. W. Olinger in the real & personal
property of Isaac Collier your
Oratrix's father. This bond here
owed on is the last payment for
said land situated in said County
and properly described in a copy
of a deed made to said obligors
on Dec. 20th, 1889, a copy of
which is herewith filed marked "D"

And said bond is also filed herewith, as part hereof marked S. E.
By an inspection of said deed it will be seen that the obligors therein, your Oratrix and her said Husband retained a lien upon the lands thus sold for the unpaid purchase money thereon due, which is the bond here sued on.

Your Oratrix is informed, that the defendants have full use & control of said land, and has the same now under their control.

Your Oratrix is advised that by the terms of said deed she has a lien upon said tract of land for the balance due on said bond and that said land is liable therefor.

To enforce this lien, and sell said land or so much thereof as may be necessary to pay the same is the object of this bill.

The premises considered therefore she prays that James P. Barrer, and Wm. A. G. Slump be made parties defendant, to this bill and that they be required to answer the same, but they need

not do so upon said that being
expressly waived. That on a
hearing a decree be rendered enforcing
said lien, and selling so much of
said land as may be necessary
to pay the same - And for all
other further & general relief - may
supra issue &c.

A. L. Pickens.

P. 9.

Clerk \$7.53-81
 Estimate Same 5-00-00
 S 1-50-00
 A 15-00-00
 \$29.03-81

Munsay Clerk 252
 \$31.61

7.55
 5.00
 12.55
 20.00
 7.45

Plffs Costs
 Hyatt 752
 Munsay 2.50
 Shiff 1.50
 Atty 15.00
 \$26.52

Margaret Olinger

Bill Chy

Geo. P. Barron et al

1891 1st Decree Rules Bill
 Filed Spc Executed &
 Decree Chy
 2nd Decree Rules & Chy
 Confd & Cause set for
 Hearing by J. Hyatt
 " J. Hyatt term Decree for
 Sale & Court
 Poor Term Court
 1892 Mar 7 " "
 June " " "
 Poor " " "
 1893 Mar " " "
 June " " "
 " Poor " " "
 1894 Contd this year
 1895 Mar Term Court
 " June Term Decree
 Final Chy and
 Page 217

Rec'd of D.C. Swann court in this cause
 12⁵⁵ my cost including estimate cost this
 + also 1250 Sheriff's costs
 15⁰⁰ Aug. 1892 - J. A. Hyatt

Received of J. A. Hyatt late clerk
 Two & ⁵⁶/₁₀₀ my in this cause. July 3rd 1895
 A. B. Munsay Clerk

\$300⁰⁰ Nov the 30th 1889

twelve months
after date we as
either of us bind
our self to pay Margit
Clinger the sum of
dollars for her entire
interest in same bullets
the estate in land &
Residual hereby waive
the benefit of our home
stead as to this debt remain
our daughter Margit & Barron
Nov the 30 1889 M. N. Colman

\$ 300.00

For P. Barron &
Wm. A. Slump

to note

This deed made this the 20th day of December
1889 between Harvey G. H. Olinger and Margereth
Olinger his wife of the County of Lee & State
of Va of the first part and William H. G. Lump
& James P. Barron of the County & State aforesaid
of the other part, - Witnesseth, that for & in consid-
eration of the sum of \$425⁰⁰ in hand paid &
secured to be paid the receipt whereof is hereby
acknowledged, the said parties of the first part
do grant, bargain & sell unto the party of the second
part all their right, title & interest in & to the
Estate of Isaac Collier dec'd, both real & personal,
said estate consists of two Tracts of Land, one
Tract, lying & being in the said County of Lee & on
the North side of Wallens ridge adjoining the
lands of James H. Collier, James L. P. Barron &
others & the other tract lying & being, in the
same County & State & on the north side of Powell
Mountain adjoining the lands of H. S. Hanes
heirs & others. This sale includes all their interest
in all the lands owned by the said Isaac Collier
dec'd in said County, in including their interest
in the dower land of the widow of said Collier, after
the death of said widow. The personal property
consists of live stock or any money
or notes or bonds owned by the said Collier
at the time of his death, & their whole

7

interest in use of the property owned
by said Collier at the time of his death
both real & personal. Said estate has
descended to the said Margaret Oliger
from her father, the said Isaac Collier,
now dead. And the said Harvey G. W. Oliger,
& Margaret Oliger his wife covenant with
the said W. W. Glenn & J. P. Barron that
they will warrant generally the land
& personal property hereby conveyed.
Witness the following signatures
& seals.

The vendors here ^{is retained} on said land
for the balance of the purchase money.

Book 25

P. 20.

Harvey G. W. Oliger

Margaret Oliger

Copy by D. C. Se

properly acknowledged &
recorded.

Margaret Olinger
against } In chg-
Jas P. Barron et al }

This cause came on
again this day to be heard
upon the papers formerly read
& the report of D. C. Sewell
Sfr. Commr. ~~There~~ was argued
by counsel. On consideration
of which & the said report
being accepted to, ~~the~~ ^{it is}
adjudged, ordered & decreed that
the same be & is hereby confirmed
And it appearing from said
report that the debt herein
decreed against the defendant
is fully paid & by said
Commr. Sewell paid over
to the plaintiff, the same is
approved & confirmed & this
cause is stricken from
the docket.

Margaret Clinger

vs/ Secrecy final

Jas P. Barron et al

June 7. 1895.

Enter

M J M

Entered in

Chancery Order

Book 1 Page 217

Enter this

June 12th 1895-

Margaret Clinger
vs
James P. Barron et al } ~~he~~ ~~by~~

This cause came on this day to be heard upon the bill of the plaintiff taken for confessed and exhibits filed & was argued by counsel. On consideration of which & for reason appearing to the court it is adjudged, ordered & decreed that the plaintiff recover from the said defendants the sum of three hundred dollars with legal interest thereon from the 30th day of November 1890 till paid and the costs of this suit & it is ordered & considered that said sum is a lien on the land in the bill mentioned, and unless the said defendants or some one for them, pay the same within 20 days from the issuing of this court then D. P. Sewell who is hereby appointed a special commissioner for the purpose will sell said land or so much thereof as may be necessary to pay the said sum herein decreed.

He will sell the same on some court day in front of the Court House door of this county by public outcry to the highest bidder for so much

Cash in hand as may be necessary to pay costs of suit & sale & for the residue of said sum he will sell said land on credit of 6 & 12 months, taking bonds payable to himself as comr. bearing interest from day of sale.

But before proceeding to make sale hereunder said comr. will execute bond before the clerk of this court conditioned to duly perform his duties hereunder in a penalty of \$600⁰⁰ — with approved personal security. He will advertise the time, terms & place of sale ^{for 30 days} by posting notices, one at the front door of the Court house of this county, & at one or more public places in said county one of which shall be in the neighborhood of where the land lies. He will report his action to this Court at its next.

Margaret Olmeyer
VB } bearer of note
Jas P. Barron et al
Entered May 1879
page 358 Sept 1879

Enter this
H. S. K. M.
Sept 4/89

Margaret Ohinger

vs

James P. Barron et al

} In chg-

To the Hon. W. T. Miller, Judge
of the circuit court of Lee County
Virginia,

Your undersigned Comm.
would respectfully report, That
the debt claimed against the
~~plaintiffs~~ ^{defendants} herein has been
fully paid & satisfied & by
your Comm. paid over
to the party to whom it
was going. And all
matters having now
been settled in this cause
the same should be stricken
from the docket.

Respt.

D. P. Sewell.

Comm.

Margaret Olinger
vs Report —
James A. Barlow

KNOW ALL MEN BY THESE PRESENTS, That we

are, held and firmly bound unto the Commonwealth of Virginia, in the sum of

Six Hundred dollars, to the payment whereof, well and truly to be made to the said Commonwealth of Virginia, we bind ourselves and each of us, our and each of our heirs, executors and administrators, jointly and severally, firmly by these presents, hereby waiving the benefit of our homestead exemptions as to this obligation, and any claim, right, or privilege to discharge any liability arising under this bond, or by virtue of said office or trust, in any currency, funds, counter claims or offsets other than legal-tender currency of United States. Sealed with our seals, and dated, *5th* day

of *October*, one thousand eight hundred and *twenty one*

The Condition of The Above Obligation is Such, That if the above bound *D. C. Smell* shall faithfully perform the duties of *his* office or trust, as *Clerk*,

under a decree of the Circuit Court of the County of Lee, pronounced on the *4th* day of *Sept*, 18*91*, in the suit therein depending

under the name and style of *Margarett Olmeyer* Plaintiff vs. *Geo P. Barronette* Defendant

and properly account for all sums of money *he* may receive as such *Commissioner*

then this obligation to be void, otherwise to remain in full force and virtue.

Signed, sealed and acknowledged in the presence of

D. C. Smell (SEAL.)

J. A. G. Hyatt (SEAL.)

(SEAL.)

In the Clerk's Office of the Circuit Court of the County of Lee.

This day

suret on the above bond, made oath before me J. A. G. Hyatt, Clerk of the Circuit Court of the County of Lee, that estate after the payment of all just debts, and those for which bound as securit for others, and expect to have to pay worth the sum of

dollars.

Given under my hand this day of

18

Teste: Clerk.

Margaret H. Clinger
vs ^{Wm} Bond
Jas P. Barrow et al
Filed Oct. 5th 1891.
J. A. Hyatt

The Commonwealth of Virginia.

To The Sheriff Of Lee County Greeting:

We Command You to Summon

*Jas. P. Barrow
and Wm. A. G. Slump*

To appear at the Clerk's Office of the Circuit Court of Lee County, at the Courthouse on the first Monday
in *August* next, being rule day to answer a bill in Chancery exhibited in our said Court
against *them* by *Margret Oliver*

And have then and there this writ. Witness, J. A. G. Hyatt, Clerk of said Court at the Courthouse.

This *16th* day of *July* 18*91*, in the 11th year of the Commonwealth.

A Copy Teste

J. A. G. Hyatt Clerk.

(P)

Margret Olinger

vs ~~Spain~~ Chey

Jas. P. Barron et al

To R. Aug. Rules 1891.

Executed July
21 1891 by deliv-
ering an officl
copy ^{of app.} to W. N. G.
Slern and Jas.
D. Barron

L. M. Wade ^{deputy} for

G. E. Flannery

S. L. G.